

In re Patent Application of:

**ARGOITIA ET AL**

Serial No. **10/762,158**

Filed: **01/20/2004**

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**REMARKS**

Claims 1 to 20 and 27 are pending.

Reconsideration of this application in light of the foregoing amendments and following remarks is respectfully requested.

The rejection of claims 1-20 and 27, under U.S.C. S 102 (b) as being anticipated by WO 00/08596 A1, referred to hereafter as the '596 citation, is respectfully traversed.

The statement of the rejection refers to page 1, paragraph 3, page 3, paragraphs 2-4, and page 4, paragraphs 2-3 of the WO '596 citation. Applicants have carefully reviewed these paragraphs, but have been unable to find any disclosure or suggestion of a first plurality of the flakes having the flakes the same predetermined shape, as claimed in claim 1, which reads as follows:

1. (currently amended) A coating composition comprising:

a carrier; and

a plurality of shaped opaque covert flakes dispersed in the carrier, wherein each of the plurality of shaped opaque inorganic covert taggant flakes has a selected shape and a thickness less than 10 microns, and wherein a first plurality of the shaped opaque inorganic taggant flakes have a same predetermined shape.  
(Emphasis added.)

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In one example set forth in the specification, the predetermined shapes include the following particular shapes: square, rectangular, trapezoidal, diamond shaped, or round. Shaped flakes are not disclosed in the cited '596 citation, and there is no suggestion of framing indicia on the flakes with any border or particular shape.

Instead, Fig. 8 of the '596 patent citation depicts the flakes as non-uniform in shape, in that each flake is of a different shape, and the flakes do not have a particular or selected shape.

There are substantial advantages to having flakes of a predetermined shape. For example, having uniformity in shape, that is, a plurality of "same" shaped flakes makes them readily identifiable. These flakes can be identifiable as authentic as they are more difficult to counterfeit; these flakes can be designed so that the symbols within their borders are fully legible and not partially cut off, as shown in Fig. 8a of the '596 citation, copied below.

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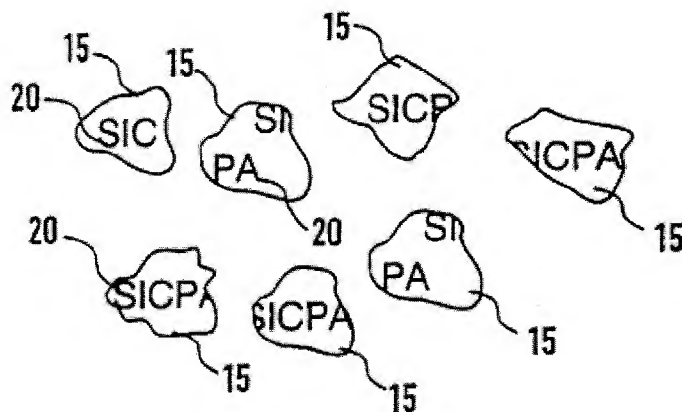
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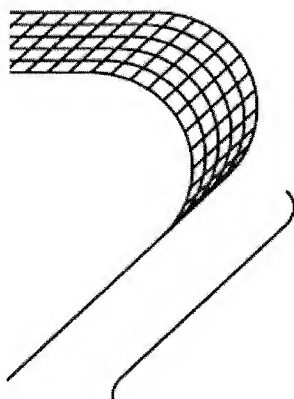
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**Fig.8a**



In contrast, in accordance with applicants' claimed invention, the flakes are uniform and have a predetermined selected shape. By way of example, see the portion of figure 2A below copied from the drawings of the present application.



The first five lines of paragraph [0038] of the present specification, restated below, describe a preferred method of forming a selected shaped flake.

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"In a particular embodiment, the 'diamond-shaped' covert flakes were bright flakes about 25 microns by 35 microns across. The shaped flakes were made by embossing a diamond pattern into a roll of PET deposition substrate material, and then depositing a standard thin-film design for bright flake (e.g. about 100-60 nm of Al between layers of MgF<sub>2</sub> that are each about 400 nm thick)."

Pre-embossing lends itself to having most of the flakes break apart along the embossing lines, so that their shape is substantially the same. In contrast, when flakes are simply broken, without regard to where they crack and break apart, the flakes will separate into different shaped particles with no control over their shape.

There is no disclosure or suggestion in the prior art of having predetermined shaped flakes. When flakes carry indicia or symbols, legibility is greatly enhanced by having predetermined shaped flakes.

A significant difference between the cited prior art and the claimed invention is that the invention provides a covert feature, not seen by an unaided eye; that is, "shaped" flakes having a same predetermined recognizable shape.

By way of example, if one does not know how to read, one can recognize the shape of a stop sign, by its shape and colors regardless of the language represented by the marked symbol or indicia. The hidden covert feature is easily and quickly

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recognizable with the aid of magnification. The prior art proffers indicia which generally are only partial representations of the entire symbol or word, as can be seen in Fig. 8a above.

Identifying a diamond or rectangular shaped flake, or a plurality of diamond or rectangular shaped flakes, can be readily achieved by a child with no reading skills.

In order to more clearly define the above-discussed invention, claims 1 and 4 have been amended.

As noted above, claim 1 now recites that the first plurality of shaped taggent flakes have a same predetermined shape.

Claim 4 recites that there are flakes of two predetermined selected shapes that are different from each other.

In view of the foregoing amendments and remarks, a notice of allowance of claims 1-20 and 27 is respectfully requested.

Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 50-1465 and please credit any excess fees to such deposit account.

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Respectfully submitted,



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